

PEACE OFFICER AMENDMENTS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsors: Evan J. Vickers and Luz Escamilla

6	Cosponsors:	Brian S. King	Elizabeth Weight
7	Patrice M. Arent	Carol Spackman Moss	Brad R. Wilson
8	Cheryl K. Acton	Merrill F. Nelson	Mike Winder
9	Brady Brammer	Lee B. Perry	Brad M. Daw
10	Joel K. Briscoe	Stephanie Pitcher	Karen Kwan
11	Walt Brooks	Val K. Potter	Steve Eliason
12	Jennifer Dailey-Provost	Marie H. Poulson	Marsha Judkins
13	James A. Dunnigan	Angela Romero	Melissa G. Ballard
14	Craig Hall	Mike Schultz	Candice B. Pierucci
15	Stephen G. Handy	Robert M. Spendlove	Keven J. Stratton
16	Suzanne Harrison	Jeffrey D. Stenquist	Mark A. Wheatley
17	Timothy D. Hawkes	Andrew Stoddard	
18	Eric K. Hutchings	Steve Waldrip	
19	Dan N. Johnson	Raymond P. Ward	



LONG TITLE

General Description:

This bill prohibits training peace officers in the use of chokeholds or restraints that may cause unconsciousness and prohibits a peace officer's use of such a restraint.

Highlighted Provisions:

This bill:

- ▶ prohibits the approval of peace officer training curriculum which contains the use of

28 chokeholds or other restraints that may cause unconsciousness;
29 ▶ prohibits the inclusion of training of peace officers in the use of chokeholds, carotid
30 restraints, or other methods of restraint that may impede breathing or blood
31 circulation and cause unconsciousness;
32 ▶ prohibits a peace officer from employing a "knee on the neck" method of restraint
33 that may impede breathing or blood circulation and cause unconsciousness; and
34 ▶ provides penalties.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **53-6-105**, as last amended by Laws of Utah 2010, Chapter 313

42 **53-6-202**, as last amended by Laws of Utah 2010, Chapter 313

43 ENACTS:

44 **53-13-115**, Utah Code Annotated 1953



46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **53-6-105** is amended to read:

48 **53-6-105. Duties of director -- Powers -- Rulemaking.**

49 (1) The director, with the advice of the council, shall:

50 (a) prescribe standards for the certification of a peace officer training academy, certify
51 an academy that meets the prescribed standards, and prescribe standards for revocation of
52 certification for cause;

53 (b) prescribe minimum qualifications for certification of peace officers appointed or
54 elected to enforce the laws of this state and its subdivisions and prescribe standards for

55 revocation of certification for cause;

56 (c) establish minimum requirements for the certification of training instructors and
57 establish standards for revocation of certification;

58 (d) provide for the issuance of appropriate certificates to those peace officers
59 completing the basic training programs offered by a certified academy or those persons who
60 pass a certification examination as provided for in this chapter;

61 (e) consult and cooperate with certified academy administrators and instructors for the
62 continued development and improvement of the basic training programs provided by the
63 certified academy and for the further development and implementation of advanced in-service
64 training programs;

65 (f) consult and cooperate with state institutions of higher education to develop
66 specialized courses of study for peace officers in the areas of criminal justice, police
67 administration, criminology, social sciences, and other related disciplines;

68 (g) consult and cooperate with other departments, agencies, and local governments
69 concerned with peace officer training;

70 (h) perform any other acts necessary to develop peace officer training programs within
71 the state;

72 (i) report to the council at regular meetings of the council and when the council
73 requires;

74 (j) recommend peace officer standards and training requirements to the commissioner,
75 governor, and the Legislature; and

76 (k) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
77 director shall, with the advice of the council, make rules necessary to administer this chapter.

78 (2) With the permission of the commissioner, the director may execute contracts on
79 behalf of the division with criminal justice agencies to provide training for employees of those
80 agencies if:

81 (a) the employees or the employing agency pay a registration fee equivalent to the cost

82 of the training; and

83 (b) the contract does not reduce the effectiveness of the division in its primary
84 responsibility of providing training for peace officers of the state.

85 (3) The director may:

86 (a) revoke certification of a certified academy for cause; and

87 (b) make training aids and materials available to local law enforcement agencies.

88 (4) The director shall, with the advice of the council, make rules:

89 (a) establishing minimum requirements for the certification of dispatcher training
90 instructors in a certified academy or interagency program and standards for revocation of this
91 certification;

92 (b) establishing approved curriculum and a basic schedule for the basic dispatcher
93 training course and the content of the dispatcher certification examination;

94 (c) providing for the issuance of appropriate certificates to a person who completes the
95 basic dispatcher course or who passes a dispatcher certification examination as provided for in
96 this chapter;

97 (d) establishing approved courses for certified dispatchers' annual training; and

98 (e) establishing a reinstatement procedure for a certified dispatcher who has not
99 obtained the required annual training hours.

100 (5) The director may not, in approving and reviewing curriculum and training aids for
101 academies, approve or recommend any curriculum which includes the use of chokeholds,
102 carotid restraints, or any act that impedes the breathing or circulation of blood likely to produce
103 a loss of consciousness, as a valid method of restraint.

104 Section 2. Section **53-6-202** is amended to read:

105 **53-6-202. Basic training course -- Completion required -- Annual training --**
106 **Prohibition from exercising powers -- Reinstatement.**

107 (1) (a) The director shall:

108 (i) (A) suggest and prepare subject material; and

- 109 (B) schedule instructors for basic training courses; or
- 110 (ii) review the material and instructor choices submitted by a certified academy.
- 111 (b) The subject material, instructors, and schedules shall be approved or disapproved
- 112 by a majority vote of the council.
- 113 (2) The materials shall be reviewed and approved by the council on or before July 1st
- 114 of each year and may from time to time be changed or amended by majority vote of the council.
- 115 (3) The basic training in a certified academy:
- 116 (a) shall be appropriate for the basic training of peace officers in the techniques of law
- 117 enforcement in the discretion of the director[-]; and
- 118 (b) may not include the use of chokeholds, carotid restraints, or any act that impedes
- 119 the breathing or circulation of blood likely to produce a loss of consciousness, as a valid
- 120 method of restraint.
- 121 (4) (a) All peace officers must satisfactorily complete the basic training course or the
- 122 waiver process provided for in this chapter as well as annual certified training of not less than
- 123 40 hours as the director, with the advice and consent of the council, directs.
- 124 (b) A peace officer who fails to satisfactorily complete the annual training shall
- 125 automatically be prohibited from exercising peace officer powers until any deficiency is made
- 126 up.
- 127 Section 3. Section **53-13-115** is enacted to read:
- 128 **53-13-115. Peace officer restraint prohibition.**
- 129 (1) A peace officer may not restrain a person by the application of a knee applying
- 130 pressure to the neck or throat of a person.
- 131 (2) A violation of this section shall be referred separately to the county or district
- 132 attorney for review, and to the Peace Officer Standards and Training Council for investigation.
- 133 (3) A violation of this section is a third degree felony.
- 134 (4) If the violation results in:
- 135 (a) serious bodily injury or loss of consciousness, it is a second degree felony; or

136 (b) death, it is a first degree felony.

137 Section 4. **Effective date.**

138 If approved by two-thirds of all the members elected to each house, this bill takes effect

139 upon approval by the governor, or the day following the constitutional time limit of Utah

140 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

141 the date of veto override.